

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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JAMES CHRISTIAN PETERS,

Civil No. 09-60 (JRT/JJK)

Plaintiff,

v.

**ORDER DISMISSING ACTION**

ROBERT FENEIS, MAILE TOLBERT,  
SANDRA THOMAS, JAN HAUGEN,  
HENRY WESLEY, DEBARAH COLE,  
and DEANNA ALVARD,

Defendants.

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James C. Peters, #225837, Minnesota Correctional Facility – Lino Lakes,  
7525 4th Avenue, Lino Lakes, MN 55014, plaintiff *pro se*.

Jackson Evans, Assistant Attorney General, **OFFICE OF THE  
MINNESOTA ATTORNEY GENERAL**, Suite 900, 445 Minnesota  
Street, St. Paul, MN 55101-2127, for defendants.

On December 14, 2009, the Court issued an order granting plaintiff's request for leave to file a second amended complaint, and stated that if plaintiff fails to file his complaint within ninety days, the action will be summarily dismissed without prejudice for lack of subject-matter jurisdiction. Plaintiff has failed to file a second amended complaint, and therefore the action is **DISMISSED** without prejudice. **LET JUDGMENT BE ENTERED ACCORDINGLY.**

DATED: April 16, 2010  
at Minneapolis, Minnesota.

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge